



RECORDS RETENTION SCHEDULE

COUNTY ATTORNEY



Prepared by
LOCAL RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

Printed with State Funds

RECORDS RETENTION SCHEDULE

Signature Page

County Model	March 1993
Agency	Schedule Date
County Attorney	June 1994
Unit	Change Date
	June 9 1994
	Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Agency Head	Date of Approval
Agency Records Officer	Date of Approval
<i>Richard H. Seidling</i>	6-2-1994
State Archivist and Records Administrator	Date of Approval
Director, Public Records Division	6/9/94
Chairman, Archives and Records Commission	Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

<i>James R. Seidling</i>	6-1-1994
Records Analyst/Regional Administrator	Date of Approval
<i>Barbara Taylor</i>	6/1/1994
Appraisal Archivist	Date of Approval
<i>Marcell Gathart</i>	Date of Approval
State/Local Records Branch Manager	

The determination as set forth meets with my approval.

<i>Corder Holmes</i>	6/8/94
Auditor of Public Accounts	Date of Approval

AGENCY FUNCTION AND RECORDS SUMMARY

Office of the County Attorney

The Office of County Attorney was first made a constitutional office under the Kentucky Constitution in 1850 (Ky. Const. 1850 Art. VI, sec. 1). The present Constitution requires the election of a county attorney in each county for a term of four years (Ky. Const., sec. 99). He must be twenty-four years of age, a citizen of Kentucky, a resident of the state for two years, a resident of his county one year prior to his election, and a licensed practicing attorney for two years prior to his election (Ky. Const., sec. 100).

Legislation in 1976 modified the office of county attorney making it part of the unified and integrated prosecutorial system under the direction of the Kentucky attorney general (KRS 15.700). Further the county attorney became, ex officio, a special prosecutor for the Commonwealth, who may be required to perform duties co-extensive with the Commonwealth, as directed by the attorney general (KRS 15.730). While the nature of the office has been changed, the duties remain substantially the same and may be classified as follows: the prosecutorial function, civil advising to county government, and miscellaneous duties for the state and county.

Prosecutorial Duties

The county attorney must attend the district court in his county and prosecute all violations of criminal and penal law within the court's jurisdiction. Further, the county attorney and the commonwealth's attorney are required to cooperate in the enforcement of laws and, when necessary, to assist each other in prosecution within their respective courts (KRS 15.725). KRS 69.210(2) directs the county attorney to carry out prosecutorial duties for the Commonwealth in the juvenile session of district court in proceedings pursuant to KRS Chapter 610.

County Legal Advisor

County Attorneys serve as legal counsel for county government. Their general duties in this capacity are to attend the fiscal court and conduct all business of that body touching the rights or interests of the county. When the fiscal court directs, the county attorney must conduct civil actions in which the county is a party before any of the courts of the Commonwealth (KRS 69.210(1)). The county attorney must also give legal advice to the fiscal court and county officers in all matters concerning county business (KRS 69.210(3)). Further, he acts as legal representative to many county boards, commissions, and special districts. He also must supervise the payment of claims against the county treasury. In a county under the Urban-County Government plan which has its own legal department, some of these duties are assumed by that department.

Miscellaneous Duties to County & State

County Attorneys perform a multitude of miscellaneous legal services for county and state government. For example, the commonwealth's attorney or the county attorney may maintain action in the name of the county to enjoin perpetually any house of prostitution or any person owning or maintaining such a place (KRS 233.030). A number of statutes authorize state administrative agencies to call upon the county attorney for legal assistance. Sometimes these statutes state that the agency may receive legal assistance from the state attorney general, the commonwealth's attorneys, or the county attorney. A few of these statutes specify only the county attorney. For example, when violations of the laws regulating commercial feeds are reported to a county attorney, he is to institute prosecution without delay (KRS 250.601). The county attorney can perform a great many services for the Transportation Cabinet. KRS 176.280 provides that: "The county attorneys shall each render legal service to the cabinet in carrying out its duties."

This series is being added to the schedule as part of an ongoing attempt to make them as current and comprehensive as possible. This series came to our attention during work in Anderson County. The County Attorney will use the report to notify the Grand Jury of any violations.

L3046 Sheriff's Monthly Dance Hall and Roadhouse Inspection Report

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION

Public Records Division

Kentucky Department for Libraries and Archives

County Attorney
Administration

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L2864	Standard Billing Form for IV-D Coop Agreement File -- (Includes monthly invoices and supporting documentation submitted to Cabinet for Human Resources for full or partial reimbursement of office expenses and staff salaries for the Child Support Division of the County Attorney's Office) (V)	3	Destroy after audit
L2865	Aid to Families with Dependent Children Service of Process Form -- (Includes attached supporting documents: vendor invoice - constable claims, submitted to Cabinet for Human Resources to obtain reimbursement of fees for service of legal papers by Constable in child support cases.)	3	Destroy after audit
L2866	Accounts Payable - Vendor Invoice File -- (Includes vendor invoices and supporting documentation needed for paying obligations incurred by the County Attorney's Office: transmittal, delivery ticket, purchase order, etc.)	3	Destroy after audit
L2872	Schedule of Tax Liability -- (Federal Form 4977) (Used to report to Internal Revenue Service - IRS - the tax liability of unemployment insurance. However, being a public officer, the County Attorney is not required to deduct from employee wages or pay to the program.)	3	Destroy
L2873	County Employees Retirement System - Monthly Summary of Wages Earned -- (Reports to the retirement system contributions to each employee's account. Report accompanied by the check.)	3	Destroy after audit

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RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION

Public Records Division

Kentucky Department for Libraries and Archives

County Attorney

Child Support Enforcement

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L2879	Child Support File (C) KRS 61.878 (f) (V)	I	Destroy 3 years After Completion of Final Action.

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RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION

Public Records Division

Kentucky Department for Libraries and Archives

County Attorney

Cold Checks

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L2880	Criminal Complaint File -- (File documents County Attorney's efforts to prosecute and collect cold checks on behalf of merchants who sign criminal complaints. File includes: verified criminal complaint copy, copy of all cold checks, mediation hearing disposition, notice to ap (C) KRS 61.878(f) (V)	4	Destroy
L2881	Criminal Complaint Rejection File -- (Criminal complaints which did not meet warrant standards and could not be successfully processed by the County Attorney) (C) KRS 61.878(f)	4 mo.	Destroy
L2882	Mediation Monthly Report From Division of Pre-Trial Services (AOC) -- (This monthly report provides statistical breakdown of checks, defendants, and dollars mediated: total, unsuccessfully, and successfully)	4 mo.	Destroy
L2883	County Attorney Mediation Report Cover Letter -- (List of cases reviewed by County Attorney as having met the criteria for referral to Mediation Services)	4	Destroy
L2884	Check Copy File -- (Copies of cold checks presented by merchants for processing including those subsequently paid and those that result in a criminal complaint.) (C) KRS 61.878f (until warrant is issued) (V)	2	Destroy
L2885	Merchant Invoice -- (Used to collect County Attorney fee from Merchant for prosecuting and collecting cold checks) (V)	3	Destroy after audit
L2932	Cold Check Ten-Day Letter (C) KRS 61.878(f) (V)	4	Destroy

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STATE ARCHIVES AND RECORDS COMMISSION

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Kentucky Department for Libraries and Archives

County Attorney

Delinquent Tax Collection

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L2886	Property Tax Roll Assessment - Delinquent Tangible -- (Assessment and collection record) (V)	6	Destroy after audit
L2887	Notice of Sale of Tax Bill -- (County Attorney notice to taxpayer per KRS 134.500(1) that Sheriff has purchased his/her tax bill, that he/she is delinquent, and a lien has been placed on the property via Certificate of Delinquency. Advises prompt payment to County Clerk)	1	Destroy
L2888	Notice of Intent to Enforce Liens -- (County Attorney notice to taxpayer that Certificate of Delinquency must be paid by specified date to County Clerk of face foreclosure of property.)	1	Destroy
L2889	Delinquent Taxpayer Suit File (V)	1	Destroy after taxes and court costs have been paid and orders of dismissal/release of lis pendens have been issued.
L2890	Delinquent Tax Collector's Monthly Collections Report -- (Monthly Tangible Report) (Report of all delinquent tangible tax funds collected for the month showing proportional distribution for state, county, and school districts. Includes: tools, fixtures, inventory, stocks, bonds, annuities.)	3	Destroy after audit
L2891	Tax Saver Program Application -- (Program assists delinquent taxpayer save money in a local bank account toward paying his delinquent tax bill.) (V)	1	Destroy after taxes are paid
L2892	Individual Account Tax Escrow Ledger Sheets -- (Used to account for individuals' deposits into Tax Escrow Account) (V)	1	Destroy after taxes and court costs have been paid, after order of dismissal has been issued, and after audit and 3 years have elapsed.

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RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION

Public Records Division

Kentucky Department for Libraries and Archives

County Attorney

Prosecution

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L2893	Criminal Prosecution Case Files (C) KRS 61.878(f) (Open Records Law) (V)	I	Destroy 2 years after case closed. If case appealed, retain until appeals process exhausted, then destroy.
L2894	Criminal Prosecution Case Issue Warrant Files -- (Criminal cases waiting prosecution until defendant, who previously failed to appear in court, is located) (C) KRS 61.878(f) (Open Records Law) (V)	I	Destroy 2 years after case closed. If case appealed, retain until appeals process exhausted, then destroy.
L2895	Criminal Prosecution Appellate Files (C) KRS 61.878(f) (Open Records Law) (V)	I	Destroy 5 years from date of appeal, or until appeals process is exhausted if longer.
L2896	Juvenile Prosecution Case Files -- (Process begins with complaint filed with local juvenile authority. County Attorney decides which cases warrant prosecution.) (C) KRS 610.340 (V)	I	Destroy after child reaches age 18.
L2897	Juvenile Dependency, Abuse, and Neglect Case File -- (Process begins with a petition filed in District Court by the Cabinet for Human Resources social worker when he/she feels prosecution is warranted.) (C) KRS 610.340 (V)	I	Destroy after child reaches age 18.
L2898	Diversion Program Case File -- (Diversion Program provides first offenders a second chance by offering service and counseling program alternative to jail, and dismissal of charges upon completion of program and payment of fee.) (C) KRS 61.878(f) (Open Records Law) (V)	2	Destroy
L2899	County Attorney Defendant Data Base -- (Tracks case throughout the prosecution process. Data is related directly to each case file number) (C) KRS 61.878(f) (Open Records Law) (V)	5	Delete Data

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Prosecution

Schedule Date: March 11, 1993

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions
L3046	Sheriff's Monthly Dance Hall and Roadhouse Inspection Report -- (KRS 70.160) Change Date: 6/9/94	1	Destroy

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